File No. 5(46)-UNO-I/47.

Collection No.

1947. .

Government of India.

External Affairs & Commonwealth Relations Deptt.

UNO (1) Branch.

Pros. Serial Nos. (1) .....(4).

(DESTROY IN 1957)

Subject.

Report by Mrs. Hansa Mehta on the work of the first-session of the Commission on Human Rights which was held at Lake Success, N.Y. on 27th January-10th February 1947.

Previous References.	Later References.

NATIONAL ARCHIVES OF INDIA

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EXTERNAL AFFAIRS DEPARTMENT.

D.No. 1-U.N.O.I/47. (1) (2)

For information only. (A copy of the report in question was received from Mrs. Hansa Mehta and our file containing the said report has been referred to the C.R. Department.)

8/4/47 8.4.47

9/4/47

U.S.(cc)
D.S.(C)
10/4

9/4

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D.No. 2842-C.C./47. (2).

This is a very interesting report. We should acknowledge it with thanks & send it to C.R. Deptt. & I+B Dept. to see.

H.E. must see it later, when he is not so busy. 27/3/47

Appendix to correspondence. A/

A draft acknowledgment is submitted for approval. After issue the C.R. and I & B. Deptts. may see for information.

2. On return of the file from the C.R. and I. & B. Deptts. the requisite number of copies of the report will be cyclostyled and distributed to all concerned.

28/3/47. 28/3/47

29/3/47

Acknowledgment 29/3

(3) Issue

C.R. Deptt.

I+B. Deptt.

E.A. Deptt. U/O. No. D-~~2842~~-U.N.O.(1)/47

2.12.4.47.

DEPTT. OF COMMONWEALTH RELATIONS
F:
14/4
U.N.O. 239/47-03-III

C. R. Deptt.

Seen, thanks, and passed on to I.+B. Dept. We have also received a copy of the report from Mrs. Mehta.

2. We would be glad to be supplied with a dozen copies of the report, when cyclostyled.

2845/47-PP

C.H. 15.4.47

2/15/a/47

16/4

B. N. NANDA
Assistant Secretary
Tel. No 2073/1

I & B Deptt.

C.R. Deptt- U/O. No. U.N.O.239/47-CRS-III

28. 18.4.47

NATIONAL ARCHIVES OF INDIA

(I.B. Dept.)

We have been supplied with a copy of the report direct. It has been seen by Secy. This may be returned to E. A D. with thanks.

Mohd Sahib
21.4.47

E. A Dept.

Deptt. of I & B u/o No. 2845/4718 dt/21-4-47

D248-UNO2/47

EXTERNAL AFFAIRS DEPARTMENT.

Reference notes from overleaf. A draft endt. forwarding copies of the Report to Departments concerned is submitted for approval.

B.O.R 24/4/47 Asst. 24.4.47

M. Gwalchmai 25/4

(4) Issue

Submitted with reference to Joint Secretary's note dt/27-3-47 portion marked 'A' overleaf.

M Gwalchmai 12/5

B.O.R 12/5/47 Asst. 12.5.47

Mr. Sahsena may like to see this. H.M. has not seen yet, but a cyclostyled copy could be sent to him to read at leisure.

P A Menon 20/7

R. R. Sahsena 21.7.47

~~A cyclostyled copy is placed below which P.S. to H.M. may kindly remove for perusal by H.M.~~ has

~~Asst 22-7-47~~

U.S.(cc)

U.S.(cc)

x Done Asst 23/7

U.S.(cc) UNO I 21/7

J.S. (M. Sahsena) Flag L

Asst I/c U.N.O. Sec.

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(5)

E.A.&C.R. Department (India)

Extracts from U.N.O.I Branch file No.F.5(46)-UNOI/47 containing the report by Mrs. Hansa Mehta on the work of the first session of the Commission on Human Rights.

This is a very interesting report. We should acknowledge it with thanks. x x x

H.M. must see it later when he is not so busy.

Sd/- H. Trevelyan, 27.3.47

x x x x x

Mr. Saksena may like to see this. H.M. has not seen yet, but a cyclostyled copy could be sent to him to read at leisure.

Sd/- P.A. Menon, 20.7.47

Sd/- R.R. Saksena, 21.7.47

D. 1298-UNO-I/47.

P.S. to H.M. 23/7/47

Seen. Thanks. I am not troubling him at present with the report.

DSC(y) [Tarlok Singh] 26/7/47

Copy given to us. 1/8/47.

Please let me have a copy. ~~Also put up letter of thanks.~~ 31/7/47

Record (10 yrs) 1/8/47 1.8.47

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(1) 5- D I-O.N.O I/47

D.S.(C.C) US(C.T.C) C+C 5/4 MuR 8/4

Indian Liaison Officer with the United Nations

350 Fifth Avenue, Room 6212, New York 1, N. Y.

Memorandum:

Date 17 March 1947

No. 744 :

To

1. The Secretary to the Government of India in the External Affairs Department, New Delhi
2. The Secretary to the Government of India in the Commonwealth Relations Department, New Delhi
3. The Secretary to the Government of India in the Information Department, New Delhi
4. India Embassy, Washington
5. Leader, India Delegation to the Economic and Social Council, New York

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The Report* of the Indian Delegation to the First Session of the Commission on Human Rights (27 January - 10 February 1947) is forwarded herewith.

P.S. Subramanian
for Indian Liaison Office

* Appx. & Correspondence -

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D2842-ce/47

INDIA DELEGATION TO THE UNITED NATIONS

Hampshire House
150 Central Park South
New York 19, N. Y.

March 13th, 1947

The Secretary to the Government of India
External Affairs Department
New Delhi

Sir,

I have the honour to submit herewith my report on the work of the first session of the Commission on Human Rights which was held at Lake Success, N.Y., 27th January-10th February 1947.

Appendix to correspondence.

I have the honour to be,

Sir,

Your obedient Servant,

Hansa Mehta

(Mrs.) Hansa Mehta.

Encls.

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(3) 7-

E. A. DEPARTMENT/OFFICE
C. & C. Branch.

File No.
Serial No.

Letter
Draft ~~Memorandum~~
~~Telegram~~
No. D. 2842-C. C. /47. Dated 14th March 1947.

1. Date of despatch.
2. List of enclosures.

To

Mrs. Hansa Mehta,
22 Curzon Road,
New Delhi.

Madam,

I have the honour to acknowledge with thanks the receipt of the report on the work of the first session of the Commission on Human Rights sent with your letter dated the 13th March 1947.

I have etc.,

Sd/- H. Trinidyan

J.S. (C.C.)

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EXTERNAL AFFAIRS DEPARTMENT.

No. F.5(46)-U.N.O.I/47. Dated the 7R May ~~April~~ 1947.

* for C.R.Dept. only.

@ for Pol. Dept. only.

* Twelve copies
@ Two copies
A copy

of the undermentioned paper are is

forwarded to the Commonwealth Relations
Political
Home
Health
Commerce
Labour
Education
Food
Agriculture
Legislative

Departments for information (with reference to their u.o.Note No. 239/47-OS-III, dated the 18th April 1947).

By order, etc.,

U.S.(C.C.)

List of papers forwarded.

Report by Mrs. Hansa Mehta on the work of the first session of the Commission on Human Rights which was held at Lake Success, New York from 27th Jany. to 10th February 1947.

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Appendix to Correspondence (Sl. No. 2)

9

REPORT OF
HUMAN RIGHTS COMMISSION
BY
HANSA MEHTA

27 January to 10 February
1 9 4 7

Appx. to Correspondence.

(11)

REPORT OF

HUMAN RIGHTS COMMISSION

BY

HANSA MEHTA

NATIONAL ARCHIVES OF INDIA

Session:

January 27, 1947 -

February 10, 1947.

(12)

HUMAN RIGHTS COMMISSION REPORT

The Human Rights Commission held its First Session at Lake Success, New York, from the 27th of January to the 10th of February, 1947. Doctor Lanka Sundaram and Mr. Natarajan acted as my advisors and were present throughout except for the last day, when Doctor Sundaram could not be present as he had left for India the previous day.

The session was opened by M. Laugier, Assistant Secretary General of the United Nations in charge of the Social Section. He made a fine speech emphasizing the importance of the Human Rights Commission whose task, to quote his words "amounted to following up in the field of peace the fight which free humanity had waged in the fields of war, defending against all offensive come-back, the Rights of Man, the Dignity of Man, aimed at establishing on the principles of the Charter, throughout the world, a powerful, a conquering international civism." He said that the United Nations had not lost sight of these high principles as can be seen from the strongly worded resolution which proclaimed genocide to be an international crime; the resolution calling upon member states to put an end to religious and racial persecution and discrimination; and the resolution dealing with the treatment of Indians in the Union of South Africa. He saw that the action taken in the case of South Africa established a precedent of fundamental significance in the field of international action. He finally pointed out that out of these debates the general impression had arisen that no violation of human rights should be covered up by the principle of national sovereignity and that violations to the charter in one state constituted a threat to all and should set in motion the defense mechanism of the international community gathered in the United Nations.

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M. Laugier sounded a very high note and made it clear that mere enunciation of human rights was not enough but that it was necessary to find some mechanism to enforce them. If the Commission had taken M. Laugier's advice in right earnest they would have come to brass-tacks without much unnecessary discussion. The impression I received, however, was that members evaded the main issues and they talked round and round the subject without coming to any definite point.

On my proposal, Mrs. Roosevelt was unanimously elected to the Chair. Dr. P.C.Chang, delegate from China and Dr. Charles Malik from Lebanon were also unanimously elected Vice Chairman and Rapporteur respectively.

The Provisional Agenda was adopted after some discussion which lead to the change in the order of the items and after splitting No.18 on the Provisional Agenda into two separate items. At the outset I intended to make two proposals with reference to (1) keeping verbatim records of the proceedings of the Commission and (2) right of access of the members to the thousands of communications received by the Secretariat from all over the world from individuals and organizations which are not given a consultative status. As these points were raised by other speakers, I gave them my full support. With regard to the resolution moved by the delegate from Lebanon on the first proposal, i.e., verbatim records, it was unanimously passed. On the second proposal, however, no decision was taken for the moment but a confidential list of communications received, was circulated to the members for information later in the day.

I had asked permission of the Chair to make a general statement to define our approach to the problem of human rights when the item on the Bill of Rights was taken up. I got this opportunity on the afternoon of the first day; a copy of my statement is attached herewith.

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On the second day we discussed the provisional rules of procedure as prepared by the Social and Economic Council. They were adopted provisionally and a committee consisting of the delegates from Australia, China and the U.S.S.R. was appointed to study them and recommend such amendments as were necessary. This committee submitted its report two or three days before the session ended and after a good deal of discussion the rules as amended were finally passed provisionally, that is, for the first session.

Most of the day was taken up with the consideration of the item with regard to the handling of communications received. My proposal, namely, that while the communications of organizations having consultative status should be discussed, the others as listed by the Secretariat might be made available to members of the Commission upon their request, was readily accepted. This rather upset the delegate from the Philippines, General Romulo, who wished to move a proposal for appointment of a small sub-committee to study these communications and make recommendations to the Human Rights Commission. He felt that acceptance of my proposal would jeopardize the chances of his proposal for the appointment of a sub-committee. My object, however, was to establish the right of the members to have access to any of these communications. It was a question of principle which I thought was more important than the appointment of a sub-committee whose function was nebulous. I, therefore, declined to withdraw my motion. During luncheon-time, General Romulo, who was very much upset, explained that if writers of these communications were known there would be reprisals. It was for this reason that he wished to propose a committee of three. I, however, was not convinced by his arguments. If any three of the eighteen members could have a right of access, why not all the members?

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General Romulo felt that my proposal had torpedoed his. It was explained to him that my proposal was limited to the communications already listed and that I would make that point clear, which would enable General Romulo to move his proposal for a committee to consider the problem of handling such communications in future. This I did but the delegates from Australia and Belgium insisted that my proposal was the right one and should be applied to future communications also. In the meanwhile, General Romulo moved his proposal for a committee which I seconded. As a final result, three resolutions, including mine, were all passed. The Philippine resolution reads as follows:

> "I move that a sub-committee of three be appointed by the Chairman to study how the communications concerning human rights addressed to the Secretary General for the Human Rights Commission or for this Commission, may be handled and make appropriate recommendations to this effect to the Commission."

and the Belgium resolution reads as follows:

> "A list of all communications from individuals or non-governmental bodies addressed to the Human Rights Commission and those relating to human rights which might be transmitted to the Commission through other organs of the United Nations, at each session be communicated to members of the Commission; the members of the Commission shall have the right to consult at the Secretariat the original of these communications"

A sub-committee of three was accordingly set up and the Chairman nominated delegates from Uruguay, Lebanon and the United Kingdom as members of the committee. While the Belgium resolution was passed unanimously, the Phillipine resolution was carried by a vote of 5-3, the three against being delegates from Australia, U.S.S.R. and U.K., who had vigorously opposed it during the debate.

In the fifth sitting, we took up the item regarding the establishment of the terms of reference of the sub-commission on Freedom of Information and of the Press. There was an attempt on the part of Australia to post-

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pone consideration of this item; the Australian delegate said that his government was opposed to the creation of too many sub-commissions and since the International Conference on Freedom of Information was meeting before the end of the year, he felt the Conference itself would create some machinery which would obviate the necessity of a sub-commission. In the end, however, it was resolved to establish a Sub-commission on Freedom of Information and of the Press.

With regard to its terms of reference and composition, the delegate from Lebanon moved the appointment of a sub-committee,which proposal was opposed by the delegate from the U.S.S.R. who moved another proposal to adhere to the terms of reference as laid down by the Social and Economic Council and proposed that it should be composed of seven representatives of governments.

I made a general statement regarding the Government of India's views on the freedom of information and of the press for the sub-commission's consideration. I attach a copy of the statement herewith.

After a great deal of discussion, the proposal made by the delegate from Lebanon was carried and the Chairman appointed the following members on the sub-committee with herself as ex-officio member: Delegates from Lebanon, U.S.S.R., U.K. and Philippine Republic.

The afternoon of the day was taken up with the discussion of the establishment of a Sub-commission on the Protection of Minorities and Prevention of Discrimination. The delegate from Australia moved that only one sub-commission should be appointed which should deal with both these problems. The delegate from the U.S.S.R. was more in favour of accepting the recommendation of the Nuclear Commission which is for the establishment of two sub-commissions. He pointed out that while in some ways the work of the two sub-commissions was inter-related, there might be cases of discrimination,

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irrespective of majority or minority questions. I supported the views expressed by the member from the U.S.S.R. but the Australian view prevailed and it was decided to establish one Sub-commission on Prevention of Discrimination and Protection of Minorities. The delegate from the U.S.S.R. moved that the terms of reference of this Sub-commission should be as suggested by the Social and Economic Council. After a good deal of discussion, the delegate from China moved that the same sub-committee which was appointed to consider the composition and terms of reference of the Sub-commission on Freedom of Information and of the Press, be asked to consider the terms of reference and composition of this Sub-commission. Then there was a discussion on the functions of the Sub-commission which, as the delegate from Australia pointed out, should not usurp the powers of the Commission on Human Rights. Eventually, the Chinese proposal was put to vote and carried with an amendment that two more members be added on to the Sub-committee already appointed. The Chairman then nominated the representatives from China and Australia as additional members on this sub-committee.

This arbitrary way of nominating members on the various sub-committees was very much resented by some of us. While some members were on more than one sub-committee, there were others who were not on a single committee. Fearing that the same procedure might be adopted in the appointment of a sub-committee to draft the Bill of Rights, I submitted a resolution in consultation with my advisors, proposing a drafting sub-committee composed of eleven members to be formally moved by me at the appropriate time. The resolution was to the following effect:-

"That a Drafting Committee of 11 members be appointed composed of representatives from the following countries: U.S.A., Chairman, ex-officio; China; Egypt; France; India; Iran; Lebanon; Panama; Philippine Republic; United Kingdom; U.S.S.R. and Uruguay".

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As the item on the Bill of Rights was also to be taken up the next day, I submitted my proposals in the form of a draft resolution for the General Assembly. My object was to have discussion on definite issues as raised in the draft resolution, namely: (1) the form the Bill of Rights should take, i.e., whether it should be an act of the Assembly and therefore binding on states members or merely a declaration of human rights, or a resolution which might later form the basis of multi-lateral conventions; (2) its contents, i.e., categorizing rights; (3) its application; and most important of all (4) its implementation.

My object, which I made very clear when I moved the resolution next day, was to make it only a basis for discussion.

As anticipated, much time was lost in talking on general points when we came to the Bill of Rights, rather than on the main points at issue. The whole of the 31st we spent in general discussion, enunciating high principles and discussing social theories. Some time was given to deciding as to whether we should discuss the form first or the substance. The delegate from China began to talk about the preamble when we had not yet come to any decision as to the actual contents of the Bill. Then a discussion arose whether we should take up the preamble first or the provisions of the Bill. At the end of the day we had not advanced very far.

The next day we resumed our general discussion. The delegate from Australia raised the question with regard to the duties of the individual as against his rights and insisted that the Bill of Rights should emphasize that aspect also.

The delegate from Lebanon then proposed that the general discussion should be closed and the question of appointing a drafting committee be taken up. I insisted that my resolution which covered all the points including the point raised by the delegate from Australia, should be taken up first so that it would be possible to formulate definite proposals for

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the drafting committee.

After lunch-time, the Chairman allowed me to move my resolution. I made it clear that the draft resolution was meant to be a basis for full discussion and that I myself was open to conviction with regard to the machinery for implementing the bill, Mr. Dukes, the delegate from the United Kingdom, seconded my resolution with the remark that it constituted an excellent basis for groundwork and that it might be discussed. The member from Uruguay agreed that the draft resolution deserved careful consideration but felt that it should be referred to a drafting committee along with other schemes submitted so far. His proposal was ruled out of order as no drafting committee had been appointed. A great deal of time was spent in deciding whether the Commission should appoint a drafting committee first or go on with a discussion of the Bill of Rights. In the end, it was decided to discuss the appointment of a drafting committee first but we did not come to any conclusion that day as to whether the Secretariat should be entrusted with the work as was proposed by the delegate from Australia or whether a committee should be appointed.

We carried on the discussion when we met once again on Monday the 3rd. My proposal for a drafting committee which was submitted by me long before other proposals were made, was not allowed by the Chairman as an original proposal and so I moved it as an amendment. The delegate from the U.S.S.R. proposed that my resolution should be taken in two parts - the first part dealing with the appointment of a drafting committee and the second part dealing with its composition, to which I agreed. The proposal was, however, lost by 8-4 votes. It was only at the end of the day that we came to a definite conclusion in the matter. The resolution as finally passed runs as follows:

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"That the Chairman of the Commission of Human Rights together with the Vice Chairman and Rapporteur, and with the assistance of the Secretariat, undertake the task of formulating the preliminary draft of the International Bill of Rights in accordance with the instructions and decisions of the First Session of the Human Rights Commission, to be submitted to the Second Session of the Human Rights Commission for formal examination.

"In the course of this work, the Chairman may enlist the cooperation of and shall receive orally or in writing, any observations and suggestions from any member of the Commission. The Chairman of the Commission may consult with experts chosen with the consent of their Governments, members of the United Nations."

On the 4th we discussed the contents of the Bill and then the form. A list of 42 rights was submitted by the Secretariat to which I added two more, namely, the right to political freedom and right to movement within the state. No finality was reached on any point and there were long speeches emphasizing one or the other ideological viewpoint. It was left to the drafting committee to gather what material they can from these discussions.

With regard to the form of the Bill of Rights, the Chairman suggested in her opening remarks that the Bill of Rights should be a resolution in the form of a generaldeclaration. I pointed out that mere declaration would not be satisfactory and would be meaningless unless the resolution was obligatory on the states members, which it would not be if there were no sanctions behind it. The delegate from France agreed with me. He said that unless there was a departure from the old technique of international law and something was done to make a resolution obligatory with even an eventual amendment to the Charter, the purpose of the Commission would not have been properly served. A long discussion ensued on the point raised. The Chairman, however, summed up the discussion before we adjourned for the day by saying that the consensus of opinion was in favor of a declaratory resolution. This summing up, was not quite correct in view of the discussion that followed the next day.

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I had raised the problem of implementation in my draft resolution. The delegate from Australia submitted a resolution for the provision of an International Court of Human Rights. The function of such a court would, however, only be supervisory and judiciary. As the delegate from Australia himself put it "this court should be the Central Appeal Court to which states, groups of individuals or even single individuals could appeal when all domestic possibilities of appeal had been exhausted". The question, however, would remain as to who would enforce the decisions of the court if such a court were to be established.

The problem, therefore, resolves itself into two parts, namely (1) supervision and (2) enforcement. A machinery has to be created which would supervise observance of human rights and decide whether there is a violation of such rights in any particular case. And where a violation has taken place the offending party has to be brought to book. The problem was not discussed in this form as no one was prepared to give any concrete suggestions in the matter. The discussion, therefore, centered around the fact whether the drafting committee should also consider the ways and means of implementation or, as the delegate from the U.S.S.R. suggested, another committee to be appointed to look into the matter. This latter proposal was, however, defeated. In the early part of the debate both of the representatives from the U.S.S.R. and the U.K. opposed any suggestion for the implementation of the Bill of Rights and desired to postpone the entire question until the next session. Delegates from Australia, France and myself were, however, for referring it to the Drafting Committee so that we may have some concrete proposals to discuss at the next session and the French resolution to that effect was ultimately passed. The resolution runs as follows:

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"The Commission on Human Rights, recognizing that it is not at present in a position to give precise directives with regard to the means of ensuring the observance of the rights to be embodied in the international declaration, invites the drafting group, in the forthcoming months, with the assistance of the Secretariat, to explore this field and to study the Australian proposal and any other documents which may be submitted to it so that the Commission at its second session may be able to work out proposals on this subject in conformity with the duties assigned to it by the Economic and Social Council".

We then took up the report of the sub-committee appointed the previous week to consider the handling of the communications received from individuals and organizations which had no consultative status. The report was generally criticized as having gone beyond the terms of reference in that it aimed at creating a permanent organ whose function was to go through all the communications received and make recommendations to the Human Rights Commission. The French delegate wished to know if it was to be an investigating body who would also look into the correctness of the complaints received. The report was, therefore, once more referred back to the same sub-committee. In its ultimate form as finally adopted, the report makes it clear that the Commission has, at this stage, no power to take any action on the complaints received and, therefore, the task of the sub-committee was not to examine the communications received from that angle. It, however, recommended that in future the Chairman and the Vice-Chairman with the assistance of one or two members co-opted for this purpose should go through such communications, shortly before each session and bring to the attention of the Commission such communications as may assist it in its work. On the point raised by the delegate from France, that the Commission be given the right to investigate, it was decided that the Chairman should write to the Social and Economic Council, drawing their attention to the fact that the Human Rights Commission should be given such power. The report also accepted the point I had raised early in the previous week, namely, right of access of any member of the Commission to any of the communications received.

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Originally, it was decided to circulate the confidential list which the Secretariat was required to prepare of all these communications but in the end it was decided that even the list was to be available on request.

On the 6th we discussed some miscellaneous items on the agenda: (1) Ad Hoc Working Groups of Non-Governmental Experts; (2) Regional Conference of Experts; (3) Relations with Non-Governmental Agencies; (4) Relations with Specialized Agencies; (5) Relations with Trusteeship Council; (6) Information from Non-Self-Governing Territories; (7) Co-ordination with Other Commissions; and (8) Programme of Future Work.

In the first item, I got the clarification that the members of the Commission have a right in consultation with their governments, to suggest names of experts who might be consulted by the Drafting Committee in its work.

No decision was taken on the second item.

With regard to the third item, there was a fairly long discussion. It was suggested that even non-governmental agencies should be consulted, if necessary, by the Drafting Committee. The delegate from the United Kingdom felt that this would ultimately trammel the work of the Committee instead of helping it. The delegate from the U.S.S.R. suggested that the World Federation of Trade Unions should be given special consideration and moved an amendment to that effect to the proposal moved by the delegate from Lebanon which was, however, lost by a vote of 8-1. The proposal as passed is as follows:

> "That the Chairman, Vice-Chairman and Rapporteur in drawing up the preliminary draft International Bill of Human Rights may consult any document or person deemed by them of relevance to their work".

A rambling discussion followed on the 4th item. The Chairman said that in addition to the I.L.O., the F.A.O. and UNESCO, the International Refugee Organization and International TeleCommunications Union would be brought into special relationship with the Economic and Social Council with the result that in the course of

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time the list of specialized agencies having this consultative status would be extended.

The representative of UNESCO made a series of observations on this point. He said that UNESCO was calling a conference of philosophers and experts very soon for the drafting of three conventions on human rights based on philosophical and theoretical features in addition to another conference on the question of freedom of the press. He said that the first conference might be held in July or August, and he urged that some sort of timetable and link-up might be available between the Human Rights Commission and UNESCO on this point. The Chairman said she had already consulted Mr. Julian Huxley about this. It was felt by the members of the Commission that the best thing would be for UNESCO to forward the proposed conventions to the Human Rights Commission as and when they were ready.

With regard to the 5th item, that is, "Relations with Trusteeship Council", it was noticed that on the Provisional Agenda of the next session of the Economic and Social Council there is an item calling for the coordination of the activities of the various committees of the United Nations organization; for example, Trusteeship Council with human Rights Commission, etc. It was agreed that no action be taken upon this item of the agenda of the Commission which ought to await the recommendation of the Economic and Social Council.

No decision was taken with regard to the item on "Information from Non-Self-Governing Territories" for the reason that the Ad Hoc Committee created at the last Assembly on this subject is expected to meet during the course of the current year. Mrs. Roosevelt, however, drew attention to the point whether the Secretariat under Article 73 should not be asked to analyze information on human rights in non-self-governing territories and transmit it to this Commission. The Australian delegate said that it would not be proper for Human Rights to ask in advance for reports from committees like Ad Hoc Committee on Non-Self-Governing Territories before

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they were submitted to the General Assembly, with the result that this item was passed over.

With regard to "Co-ordination with Other Commissions", the Chairman said that the U.S.A.Government might propose at the proper time that the draft bill of Human Rights as ultimately arrived at by the drafting group and the Human Rights Commission, be circulated to other commissions interested in the question. Beyond this, there was no necessity to take any specific action.

With respect to the program of future work, there was a rambling discussion on the manner in which information groups in this Commission might be set up as suggested by the Secretary General in a circular issued last year to all the member governments. It was pointed out by the Australian delegate that more concrete information of the work of these groups in the various countries should be collected by the Secretary; Dr. Humphreys, the Secretary of the Commission, felt that a declaration might be made by the Human Rights Commission to the Security Council in order that it might give a proper directive.

The remaining two days, the 7th and 10th, we discussed the reports of the various sub-committees as well as the Rapporteur's report to be submitted to the Social and Economic Council.

It seems that no agreement had been reached in the sub-committee as to what countries should be represented on the sub-commissions on Freedom of Information and of the Press and on the Prevention of Discrimination and Protection of Minorities. Mrs. Roosevelt on behalf of the U.S.A. had circulated proposals which she intended to move when we discussed the reports. In the original proposal, the procedure for the composition of the Sub-commission on Freedom of Information and of the Press suggested, was to name the governments while for the Commission on Prevention of Discrimination and Protection of Minorities nominations were to be made by the members of the Human Rights Commission from whom the Commission was to select

NATIONAL ARCHIVES OF INDIA

members in consultation with the Secretary General and with the consent of the respective governments. In each case the sub-committees reports laid down the same procedures for both the sub-commissions, that is, naming governments to be represented on them. Lists of countries to be represented were prepared by the U.S.A. in case these reports were adopted and privately circulated. These lists showed that the U.S.A., the U.S.S.R. and the U.K. were included in both lists. France and China were alternately mentioned in each list. India had no place on the Sub-commission on Freedom of Information and of the Press while it was mentioned last on the list for the other commission. My feeling was that there was no chance of India being on both the sub-commissions. The Sub-commission on Prevention of Discrimination and Protection of Minorities was more important to us and we could be sure of a place if the same procedure of election was adopted as in the case of the other sub-commission, that is, naming the governments. Mrs. Roosevelt, however, changed her original draft and the proposal as actually made by her before the Commission was as follows:

> "That each of the sub-commissions shall be composed of 11 persons selected by the Commission in consultation with the Secretary General and subject to the consent of the governments of the countries of which the persons are nationals. Not more than one person shall be selected from any single country.
>
> "The choice should be made from among the list of persons submitted by such Human Rights Commission members as care to make nominations.
>
> "In the case of the Sub-commission on Discrimination and Protection of Minorities, the members should be chosen by the Commission on Human Rights at its second session.
>
> "In the case of the Sub-commission on Freedom of Information and of the Press, the choice should be made by the Economic and Social Council at its fourth session".

The delegate from the U.S.S.R. urged for the adoption of the reports of the sub-committee as against this proposal. If the members of the Commission who are representatives of their governments have to nominate, they cannot nominate without consulting their governments. Ultimately, therefore, the persons chosen will

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be the nominess of their governments and, therefore, representing - though not technically- their governments. Secondly, we were simply throwing the onus on the Social and Economic Council to select the Sub-commission although it was within our power to do so. I pointed this out to the Commission. In the end, however, the following resolution was passed:

> "The Commission, not having had the time to select the members in the sub-commissions, recommends that in the first instance the Economic and Social Council choose at the fourth session the members of the sub-commissions in consultation with the Secretary General and subject to the consent of the governments of the countries of which the persons are nationals. It further recommends that their choice be made from among the list of persons submitted by such Human Rights Commission members as care to make nominations, each member nominating not more than 12 persons from members of the United Nations."

The term of office of the members of the Sub-commission on Freedom of Information and of the Press was fixed at one year and for the other Sub-commission for two years.

The Rapporteur's report was also fully discussed and subject to some changes adopted.

The Commission as per rules of procedure fixed the place and time of their next meeting at Geneva on the 21st of July, subject, of course, to the approval of the Secretary General. It was also decided that the Drafting Committee of the Bill of Rights should report the progress of their work at regular intervals.

The report will show that we have only dealt with the preliminaries at this session. The real work of the Commission will begin at the next session when the draft of the International Bill of Rights comes up for discussion. It is desirable that the Government of India consider from now as to what attitude they wish to take up with regard to the bill as to: (1) What form it should take; (2) What rights it should include; (3) Its application; and (4) Its implementation.

The question of implementation is very complicated and involves the problem of

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national sovereignity but since we have raised the issue of South Africa in the General Assembly, it is for us to give the lead in this matter. I feel that the Government should lose no time in communicating their suggestions to the Drafting Committee which is expected to submit its report by the end of June.

Respectfully submitted,

Hansa Mehta,
Delegate to the United Nations
Human Rights Commission

February 24, 1947.

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SPEECH BY MRS. HANSA MEHTA
BEFORE COMMISSION ON HUMAN RIGHTS 27 January 1947

Madam Chairman and Fellow Representatives of the Human Rights Commission:

Madam Chairman, may I take this opportunity of making a few general observations on the work of this commission. The government and the people of India attach the greatest possible importance to the Human Rights Commission. It is not merely because we brought up the question of race bias in South Africa and obtained the requisite 2/3 resolution thereon from the last session of the General Assembly, that we attach importance to the work of this commission. It is because we feel that the work of this commission will profoundly influence the future of the United Nations Organization itself, whose principles and purposes, as defined in the preamble of the charter and in Articles 1 (3), 13 (62) and 68 - to mention only a few, impose mandatory obligations upon the member states.

It will be recalled that the attitude taken up by South Africa during the discussions on the race bias resolution was that there was not a violation of human rights in South Africa because there was no written definition of human rights as such within the ambit of the United Nations. A similar attitude was taken up by the spokesman of the British delegation when he said that the dispute pending between India and South Africa might be referred to the International Court. I do not wish to anticipate what this commission might do with reference to the items in the provisional agenda, but I would like to make this point clear, that the justification for the convening of this commission is that pleas of this character should not be allowed to be advanced within the forum of the United Nations Organization in the future.

It is not for me at this stage to anticipate whether this bill of human rights should be a multi-lateral convention or a mere declaration endorsed by the requisite majority of the states members of the United Nations, or, ultimately, an amendment

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or amendments to the Charter itself. It is not also for me at this stage to express either general or qualified preference for the drafts of bills of human rights as submitted by Panama, Cuba, Chile or the A.F. of L. But it occurs to me that whatever might be the formal instrument to be hammered out by this Commission and its Drafting and other Sub-Commission, such a bill of human rights must be a simple forthright document, which is easily understood, with the assurance that there will be adequate machinery for its enforcement, whenever human rights are violated in countries which are members of the United Nations Organization.

At this stage I would like to offer a suggestion, which I dare say my colleagues will accept as necessary and valid. When we proceed to appoint the Drafting Committee and the Sub-Commissions on Discrimination, Minorities, Freedom of Information and the Press, etc., it must be clearly understood that the work of these bodies will be so spaced out as to prevent confusion and obviate rush, and that my colleagues will get an opportunity for reference back to the governments concerned on the various and highly important intricate points. I do not think I will be exaggerating the position when I state that the issues at stake in the discussion of the Human Rights Commission and its various proposed Sub-Commissions are of such paramount importance to the weal of humanity, that there must be exhaustive examination of every recommendation that these bodies are likely to make. We may even have to consult with the Trusteeship Committee and other Committees of the United Nations General Assembly before we can adequately complete our work. As I understand from the papers before us, it would appear that this Commission may have to appoint forthwith or towards the end of its deliberations, a Drafting Committee and three or four sub-commissions which have to report back to us in a later session. As we complete our session we have to report to the Economic and Social Council either with a draft bill of human rights or other document, which the Economic and Social Council must submit for inclusion in the agenda of the Second Session of the General Assembly of the United Nations. It

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occurs to me that not all of my colleagues on this commission can physically become members of either the drafting committee or the various sub-commissions to be appointed by us, and that additional experts from the countries concerned will have to be brought into the picture to man these commissions, etc. At every stage it will be found that a reference back to the governments of the countries concerned becomes a vital point of procedure, and such reference involves consumption of time. I am sure my colleagues will agree with me that there should not be any attempt to rush through our work at a pace which might eventually prove to be very costly indeed, for the Human Rights Commission will have to lay the foundation upon which the edifice of the future organization of the United Nations will have to build.

There is one additional consideration which I would like to urge before my colleagues today. Taking our stand, as we do, under the protecting wing of the United Nations Charter, we in India have been assailed with a problem of exceptional magnitude for reasons which are beyond our control. After the abolition of slavery in 1832 by Britain and the abrogation of the Code Noir by France, large numbers of Indians had been taken away from India, under the joint aegis of British and other colonial governments concerned, and transplanted in various parts of the world. To-day we have four million Indians residing abroad, as communities especially created at the request and for the benefit of governments of the countries concerned. These Indian communities are in British Guiana, Trinidad and Jamaica and Surinam (Dutch Guiana) in the Caribbean. We have vast communities of Indians not only in South Africa, but also in the British colony of Kenya, the British protectorate in Uganda, in Tanganyika now under the United Nations' trusteeship, the British protectorate of Zanzibar and the British colony of Mauritius, all coming within the group of countries within the system of the Arabian Sea. There are two and one-half million Indians in Burma, Ceylon and Malaya put together. Even in distant Fiji of the South Pacific system we have 100,000 Indians, which is becoming the majority community in that group of islands. It will readily be seen that in almost all these countries

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where Indians are settled today, as the result of their transplantation, which I repeat was not at the behest of the people of India, during the past one hundred years, and which constitute populations, created, I repeat again, for the benefit of the governments of the countries concerned, there have arisen numerous cases of denial of the rights both in law and equality due to administrative practices.

Additional to this denial of rights, there are complicated questions like nationality and citizenship and of dual nationality which have got to be straightened out within the meaning of the terms of reference of the Human Rights Commission and of the principles and purposes of the charter of the United Nations. I am persuaded that India is not alone in this especially exceptional position. Millions of nationals of China are scattered all over the world on a more or less similar basis, even though the methods of recruitment and transplanting of these communities are not on all fours with those in evidence with respect to Indian resident communities overseas. Even for that matter there are hundred of thousands of Japanese people settled abroad, whether it be in Brazil or elsewhere in the world. Additional to these created communities abroad, there are millions of people in all the continents, black, brown, yellow and even white, who are subject to legal and administrative diminution of rights, questions which fall within the ambit of the work of the Human Rights Commission. I am not formally raising any of these specific questions, which are only illustrations of my thesis.

In all certainty, an effort must be made to define in precise legal and practical language, as to what a minority is, as to what discrimination is. Additional to this, a definition must be made forthwith as to what specific safeguards must be incorporated in the proposed bill of human rights against the danger of assimilation of minority rules where they exist. In all certainty this commission, as well as its sub-commission, must proceed with the building up of a comprehensive list from every country in the world, of legal and administrative measures which subtract from the right of human beings within the meaning of the principles and purposes of the

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charter. The overriding consideration before this commission should be not merely the enunciation of principles in terms of a bill of human rights, but the improvisation of adequate machinery, whether it be through the establishment of a world court of human rights, reference to the International Court, or action by the Security Council in the event of an alleged violation of human rights by any country. In fact, the proposed bill of human rights will be meaningless if a proper and unequivocal definition of the relationships which ought to subsist inter se the individual, the community, the state and international organization, is not attempted by this commission and eventually by the United Nations Organization.

Madam Chairman, I am grateful to you and my colleagues of this commission for giving me this opportunity for making a general statement, if only to demonstrate the measure of importance we in India attach to the work of this commission.

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STATEMENT BY MRS. HANSA MEHTA(INDIA) IN
COMMISSION ON HUMAN RIGHTS - 29 January 1947

Madam Chairman:

India's interest in the freedom of information and of the press is the logical outcome of a long period of struggle to maintain this freedom within her own borders. The struggle of the press has, in fact, been closely associated with the political struggle for larger freedom. More than any other Asiatic country, more than many an European country, India has imposed the minimum of restriction, if any, in the operation of foreign correspondents and agencies within her borders, agencies which brought information to India from the world outside and agencies which carried information from India to the outside world. The ideal of freedom of access of the individual to information and opinions by all methods of communication is therefore one which we desire to see established in the international sphere even as we have struggled to safeguard it within our borders.

There are some reservations, however, both in the internal and the international field, which in the light of past experience, India has found it necessary to insist upon. It is important in the internal field, for example, that the freedom which a country extends to the press whould not become the monopoly of one or more groups and that such monopoly should not operate restrictively on the free expression of opinion by the individual and its wide dissemination. In other words, a powerful press group should not monopolize the freedom it enjoys vis a vis the government and deny it to the individual or to weaker competitors. The press must also recognize the obligation of preserving the integrity of the State and public order and morality.

In the international field, both in the matter of carrying news from India to other countries and bringing in news from other countries, into India, our experience has been, Madame Chairman, that this service has been rendered not

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with the primary object of informing the people of India of activities abroad which would contribute materially to her own development, not with the object of promoting better understanding between the peoples of the world and the people of India, but with other motives I need not elaborate on here. It is enough to say that the effect of this service was to cut off all the countries which had for years past maintained the closest cultural relationship with India. I refer to China, the countries of East Asia, the Middle East and the Americas. Indians abroad who wished to maintain the closest contacts with developments in their country were denied all worthwhile information of progress in their country. Of America, we knew a great deal of gangsters in Chicago and film stars in Hollywood. In the other direction, India was known as a land of mystery, fabulous splendour, elephants and snakes. It needed a world conflict of the magnitude of the last war to break down these barriers.

You will understand, therefore, Madam Chairman, our anxiety to safeguard the freedom of information against a repetition of this type of colorful news dissemination. We are willing and anxious to throw open all sources of information and all facilities to competing agencies, provided we are assured that those who will survive in the field will serve the object which we are gathered round this table to secure.

I would request your permission, Madame Chairman, at a later stage, to deal with points in detail as they may arise. Here I merely indicate our anxiety to insure that the decisions reached here do in fact secure the objective we have before us.

NATIONAL ARCHIVES OF INDIA

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For information only. (A copy of the report in
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containing the report by Mrs. Hansa Mehta on the work
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This is a very interesting report. We should
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Indian Liaison Officer with the United Nations
350 Fifth Avenue, Room 6212, New York I, N. Y.
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The Secretary to the Government of India in the
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The Secretary to the Government of India in the

Commonwealth Relations Department, New Delhi
The Secretary to the Government of India in the
Information Department, New Delhi
4. India Embassy, Washington
5. Leader, India Delegation to the Economic and
Social Council, New York
The Report of the Indian Delegation to the
First Session of the Commission on Human Rights
10 February 1947) is forwarded herewith.
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INDIA DELEGATION TO THE UNITED NATIONS
March 13th, 1947
Hampshire House
150 Central Park South
New York 19, N. Y.
Appendiat

The Secretary to the Government of India
External Affairs Department
New Delhi
Sir,
I have the honour to submit
herewith my report on the work of the first
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which was held at Lake Success, N.Y., 27th
January-10th February 1947.
I have the honour to be,
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Sir,
Your obedient Servant,
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(Mrs.) Hansa Mehta.

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Madam,
I have the honour to
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Report by Mrs. Hansa Mehta on the work of the first
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REPORT OF
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HUMAN RIGHTS COMMISSION
BY
HANSA MEHTA
Session:
January 27, 1947 -
February 10, 1947.

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HUMAN RIGHTS COMMISSION REPORT
The Human Rights Commission held its First Session at Lake Success, New York, from the 27th of January to the 10th of February, 1947. Doctor Lanka Sundaram and Mr. Natarajan acted as my advisors and were present throughout except for the last day, when Doctor Sundaram could not be present as he had left for India the previous day.
The session was opened by M. Laugier, Assistant Secretary General of the United Nations in charge of the Social Section. He made a fine speech emphasizing the importance of the Human Rights Commission whose task, to quote his words "amounted to following up in the field of peace the fight which free humanity had waged in the fields of war, defending against all offensive come-back, the Rights of Man, the Dignity of Man, aimed at establishing on the principles of the Charter, throughout the world, a

powerful, a conquering international civism." He said that the United Nations had not lost sight of these high principles as can be seen from the strongly worded resolution which proclaimed genocide to be an international crime; the resolution calling upon member states to put an end to religious and racial persecution and discrimination; and the resolution dealing with the treatment of Indians in the Union of South Africa. He saw that the action taken in the case of South Africa established a precedent of fundamental significance in the field of international action. He finally pointed out that out of these debates the general impression had arisen that no violation of human rights should be covered up by the principle of national sovereignity and that violations to the charter in one state constituted a threat to all and should set in motion the defense mechanism of the international community gathered in the United Nations.
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M. Laugier sounded a very high note and made it clear that mere enunciation of human rights was not enough but that it was necessary to find some mechanism to enforce them. If the Commission had taken M. Laugier's advice in right earnest they would have come to brass-tacks without much unnecessary discussion. The impression I received, however, was that members evaded the main issues and they talked round and round the subject without coming to any definite point.
On my proposal, Mrs. Roosevelt was unanimously elected to the Chair. Dr. P.C.Chang, delegate from China and Dr. Charles Malik from Lebanon were also unanimously elected Vice Chairman and Rapporteur respectively. The Provisional Agenda was adopted after some discussion which lead to the change in the order of the items and after splitting No.18 on the Provisional Agenda into two separate items. At the outset I intended to make two proposals with reference to (1) keeping verbatim records of the proceedings of the Commission and (2) right of access of the members to the thousands of communications received by the Secretariat from all over the world from individuals and organizations which are not given a consultative status. As these points were raised by other speakers, I gave them my full support. With regard to the resolution moved by the delegate from Lebanon on the first proposal, i.e., verbatim records, it was unan-

imously passed. On the second proposal, however, no decision was taken for the moment but a confidential list of communications received, was circulated to the members for information later in the day.
I had asked permission of the Chair to make a general statement to define our approach to the problem of human rights when the item on the Bill of Rights was taken up. I got this opportunity on the afternoon of the first day; a copy of my statement is attached herewith.
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On the second day we discussed the provisional rules of procedure as prepared by the Social and Economic Council. They were adopted provisionally and a committee consisting of the delegates from Australia, China and the U.S.S.R. was appointed to study them and recommend such amendments as were necessary. This committee submitted its report two or three days before the session ended and after a good deal of discussion the rules as amended were finally passed provisionally, that is, for the first session.
Most of the day was taken up with the consideration of the item with regard to the handling of communications received. My proposal, namely, that while the communications of organizations having consultative status should be discussed, the others as listed by the Secretariat might be made available to members of the Commission upon their request, was readily accepted. This rather upset the delegate from the Philippines, General Romulo, who wished to move a proposal for appointment of a small sub-committee to study these communications and make recommendations to the Human Rights Commission.
jeopardize the chances of his proposal for the appointment of a sub-committee. My object, however, was to establish the right of the members to have access to any of these communications. It was a question of principle which I thought was more important than the appointment of a sub-committee whose function was nebulous. I, therefore, declined to withdraw my motion.
During luncheon-time, General Romulo, who was very much upset, explained that if writers of these communications were known there would be reprisals. It was for this reason that he wished to propose a committee of three. I, however, was not convinced by his arguments. If any three of the eighteen

members could have a right of access, why not all the members?
He felt that acceptance of my proposal would.
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General Romulo felt that my proposal had torpedoed his. It was explained to him that my proposal was limited to the communications already listed and that I would make that point clear, which would enable General Romulo to move his proposal for a committee to consider the problem of handling such communications in future. This I did but the delegates from Australia and Belgium insisted that my proposal was the right one and should be applied to future communications also. In the meanwhile, General Romulo moved his proposal for a committee which I seconded. As a final result, three resolutions, including mine, were all passed. The Philippine resolution reads as follows:

"I move that a sub-committee of three be appointed by the Chairman to study how the communications concerning human rights addressed to the Secretary General for the Human Rights Commission or for this Commission, may be handled and make appropriate recommendations to this effect to the Commission."

and the Belgium resolution reads as follows:

"A list of all communications from individuals or non-governmental bodies addressed to the Human Rights Commission and those relating to human rights which might be transmitted to the Commission through other organs of the United Nations, at each session be communicated to members of the Commission; the members of the Commission shall have the right to consult at the Secretariat the original of these communications"

A sub-committee of three was accordingly set up and the Chairman nominated delegates from Uruguay, Lebanon and the United Kingdom as members
of the committee. While the Belgium resolution was passed unanimously, the Phillipine resolution was carried by a vote of 5-3, the three against being delegates from Australia, U.S.S.R. and U.K., who had vigorously op-

posed it during the debate.
In the fifth sitting, we took up the item regarding the establishment of the terms of reference of the sub-commission on Freedom of Information and of the Press. There was an attempt on the part of Australia to post-

pone consideration of this item; the Australian delegate said that his government was opposed to the creation of too many sub-commissions and since the International Conference on Freedom of Information was meeting before the end of the year, he felt the Conference itself would create some machinery which would obviate the necessity of a sub-commission. the end, however, it was resolved to establish a Sub-commission on Freedom of Information and of the Press.
In
With regard to its terms of reference and composition, the delegate from Lebanon moved the appointment of a sub-committee, which proposal was opposed by the delegate from the U.S.S.R. who moved another proposal to adhere to the terms of reference as laid down by the Social and Economic Council and proposed that it should be composed of seven representatives of governments.
I made a general statement regarding the Government of India's views on the freedom of information and of the press for the sub-commission's consideration.
I attach a copy of the statement herewith.
After a great deal of discussion, the proposal made by the delegate from Lebanon was carried and the Chairman appointed the following members on the sub-committee with herself as ex-officio member: Delegates from Lebanon, U.S.S.R., U.K. and Philippine Republic.
The afternoon of the day was taken up with the discussion of the establishment of a Sub-commission on the Protection of Minorities and Prevention of Discrimination.
The delegate from Australia moved that only one sub-commission should be appointed which should deal with both these problems. The delegate from the U.S.S.R. was more in favour of accepting the recommendation of the Nuclear Commission which is for the establishment of two

sub-commissions. He pointed out that while in some ways the work of the two sub-commissions was inter-related, there might be cases of discrimination,
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irrespective of majority or minority questions. I supported the views expressed by the member from the U.S.S.R. but the Australian view prevailed and it was decided to establish one Sub-commission on Prevention of Discrimination and Protection of Minorities.
The delegate from the U.S.S.R. moved that the terms of reference of this Sub-commission should be as suggested by the Social and Economic Council.
After a good deal of discussion, the delegate from China moved that the same sub-committee which was appointed to consider the composition and terms of reference of the Sub-commission on Freedom of Information and of the Press, be asked to consider the terms of reference and composition of this Sub-commission.
Then there was a discussion on the functions of the Sub-commission which, as the delegate from Australia pointed out, should not usurp the powers of the Commission on Human Rights. Eventually, the Chinese proposal was put to vote and carried with an amendment that two more members be added on to the Sub-committee already appointed. The Chairman then nominated the representatives from China and Australia as additional members on this sub-committee.
This arbitrary way of nominating members on the various sub-committees was very much resented by some of us. While some members were on more than one sub-committee, there were others who were not on a single committee. Fearing that the same procedure might be adopted in the appointment of a sub-committee to draft the Bill of Rights, I submitted a resolution in consultation with my advisors, proposing a drafting sub-committee composed of eleven members to

be
formally moved by me at the appropriate time. The resolution was to the following effect:-
be
"That a Drafting Committee of 11 members/appointed
composed of representatives from the following countries:
U.S.A., Chairman, ex-officio%3B China; Egypt; France; India;
Iran; Lebanon; Panama; Philippine Republic; United Kingdom;
U.S.S.R. and Uruguay".

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As the item on the Bill of Rights was also to be taken up the next day, I submitted my proposals in the form of a draft resolution for the General Assembly. My object was to have discussion on definite issues as raised in the draft resolution, namely: (1) the form the Bill of Rights should take, i.e., whether it should be an act of the Assembly and therefore binding on states members or merely a declaration of human rights, or a resolution which might later form the basis of multi-lateral conventions; (2) its contents, i.e., categorizing rights; (3) its application; and most important of all (4) its implementation.
My object, which I made very clear when I moved the resolution next day, was to make it only a basis for discussion.
As anticipated, much time was lost in talking on general points when we came to the Bill of Rights, rather than on the main points at issue. The whole of the 31st we spent in general discussion, enunciating high principles and discussing social theories. Some time was given to deciding as to whether we should discuss the form first or the substance.
The
delegate from China began to talk about the preamble when we had not yet come to any decision as to the actual contents of the Bill. Then a discussion arose whether we should take up the preamble first or the provisions of the Bill. At the end of the day we had not advanced very far.
The next day we resumed our general discussion. The delegate from Australia raised the question with regard to the duties of the individual as against his rights and insisted that the Bill of Rights should emphasize that aspect also.

The delegate from Lebanon then proposed that the general discussion should be closed and the question of appointing a drafting committee be
I insisted that my resolution which covered all the points in-
cluding the point raised by the delegate from Australia, should be taken up
taken up.
first so that it would be possible to formulate definite proposals for
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the drafting committee.
After lunch-time, the Chairman allowed me to move my resolution. I made it clear that the draft resolution was meant to be a basis for full
The
discussion and that I myself was open to conviction with regard to the machinery for implementing the bill, Mr. Dukes, the delegate from the United Kingdom, seconded my resolution with the remark that it constituted an excellent basis for groundwork and that it might be discussed.
member from Uruguay agreed that the draft resolution deserved careful consideration but felt that it should be referred to a drafting committee along with other schemes submitted so far. His proposal was ruled out of order as no drafting committee had been appointed. A great deal of time was spent in deciding whether the Commission should appoint a drafting committee first or go on with a discussion of the Bill of Rights, In the end, it was decided to discuss the appointment of a drafting committee first but we did not come to any conclusion that day as to whether the Secretariat should be entrusted with the work as was proposed by the delegate from Australia or whether a committee should be appointed.
We carried on the discussion when we met once again on Monday the 3rd. My proposal for a drafting committee which was submitted by me long before other proposals were made, was not allowed by the Chairman as an original proposal and so I moved it as an amendment. The delegate from the U.S.S.R. proposed that my resolution should be taken in two parts - the first part dealing with the appointment of a drafting committee and the second part dealing with its composition, to which I agreed. The proposal was, however, lost by 8-4 votes. It was only at the end of the day that we came to a definite conclusion in the matter. The resolution as finally passed runs as follows:

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"That the Chairman of the Commission of Human Rights together with the Vice Chairman and Rapporteur, and with the assistance of the Secretariat, undertake the task of formulating the preliminary draft of the International Bill of Rights in accordance with the instructions and decisions of the First Session of the Human Rights Commission, to be submitted to the Second Session of the Human Rights Commission for formal examination.
"In the course of this work, the Chairman may enlist the cooperation of and shall receive orally or in writing, any observations and suggestions from any member of the Commission. The Chairman of the Commission may consult with experts chosen with the consent of their Governments, members of the United Nations."
On the 4th we discussed the contents of the Bill and then the form. A list of 42 rights was submitted by the Secretariat to which I added two more, namely, the right to political freedom and right to movement within the state. No finality was reached on any point and there were long speeches emphasizing one or the other ideological viewpoint. It was left to the drafting committee to gather what material they can from these discussions.
With regard to the form of the Bill of Rights, the Chairman suggested in her opening remarks that the Bill of Rights should be a resolution in the form of a generaldeclaration. I pointed out that mere declaration would not be satisfactory and would be meaningless unless the resolution was obligatory on the states members, which it would not be if there were no sanctions behind it. The delegate from France agreed with me. He said that unless there was a departure from the old technique of international law and something was done to make a resolution obligatory with even an eventual amendment to the Charter, the purpose of the Commission would not have been properly served. A long discussion ensued on the point raised.
The Chairman, however, summed up the discussion before we adjourned for the day by saying that the consensus of opinion was in favor of a declaratory resolution.
This summing up, was not quite correct in view of the discussion that followed the next day.

I had raised the problem of implementation in my draft resolution.
The delegate from Australia submitted a resolution for the provision of an International Court of Human Rights. The function of such a court would, however, only be supervisory and judiciary. As the delegate from Australia himself put it "this court should be the Central Appeal Court to which states, groups of individuals or even single individuals could appeal when all domestic possibilities of appeal had been exhausted". The question, however, would remain as to who would enforce the decisions of the court if such a court were to be established.
The problem, therefore, resolves itself into two parts, namely (1) supervision and (2) enforcement. A machinery has to be created which would supervise observance of human rights and decide whether there is a violation of such rights in any particular case. And where a violation has taken place the offending party has to be brought to book. The problem was not discussed in this form as no one was prepared to give any concrete suggestions in the matter. The discussion, therefore, centered around the fact whether the drafting committee should also consider the ways and means of implementation or, as the delegate from the U.S.S.R. suggested, another committee to be appointed to look into the matter. This latter proposal was, however, defeated.
In the early part of the debate both of the representatives from the U.S.S.R. and the U.K. opposed any suggestion for the implementation of the Bill of Rights and desired to postpone the entire question until the next session. Delegates from Australia, France and myself were, however, for referring it to the Drafting Committee so that we may have some concrete proposals to discuss at the next session and the French resolution to that effect was ultimately passed. The resolution runs as follows:

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"The Commission on Human Rights, recognizing that it is not at present in a position to give precise directives with regard to the means of ensuring the observance of the rights to be embodied in the international declaration, invites the drafting group, in the forthcoming months, with the assistance of the Secretariat, to explore this field and to study the Australian proposal and any other documents which may be submitted to it so that the Commission at its second session may be able to work out proposals on this subject in conformity with the duties assigned to it by the Economic and Social Council".

We then took up the report of the sub-committee appointed the previous week to consider the handling of the communications received from individuals and organizations which had no consultative status. The report was generally criticized as having gone beyond the terms of reference in that it aimed at creating a per-,manent organ whose function was to go through all the communications received and make recommendations to the Human Rights Commission. The French delegate wished to know if it was to be an investigating body who would also look into the correct-ness of the complaints received. The report was, therefore, once more referred back to the same sub-committee. In its ultimate form as finally adopted, the report makes it clear that the Commission has, at this stage, no power to take any action on the complaints received and, therefore, the task of the sub-committee was not to examine the communications received from that angle. It, however, re-commended that in future the Chairman and the Vice-Chairman with the assistance of one or two members co-opted for this purpose should go through such communications, shortly before each session and bring to the attention of the Commission such com-munications as may assist it in its work. On the point raised by the delegate from France, that the Commission be given the right to investigate, it was decided

that the Chairman should write to the Social and Economic Council, drawing their
attention to the fact that the Human Rights Commission should be given such power.
The report also accepted the point I had raised early in the previous week, namely,
right of access of any member of the Commission to any of the communications received.
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Originally, it was decided to circulate the confidential list which the Secretariat was required to prepare of all these communications but in the end it was decided
that even the list was to be available on request.
On the 6th we discussed some miscellaneous items on the agenda: (1) Ad Hoc Working Groups of Non-Governmental Experts; (2) Regional Conference of Experts;
(3) Relations with Non-Governmental Agencies; (4) Relations with Specialized Agencies; (5) Relations with Trusteeship Council; (6) Information from Non-Self-Governing Territories; (7) Co-ordination with Other Commissions; and (8) Programme
of Future Work.
In the first item, I got the clarification that the members of the Commission have a right in consultation with their governments, to suggest names of experts
who might be consulted by the Drafting Committee in its work.
No decision was taken on the second item.
It was
With regard to the third item, there was a fairly long discussion.
suggested that even non-governmental agencies should be consulted, if necessary,
by the Drafting Committee. The delegate from the United Kingdom felt that this would ultimately trammel the work of the Committee instead of helping it. The delegate from the U.S.S.R. suggested that the World Federation of Trade Unions should be given special consideration and moved an amendment to that effect

to the
proposal moved by the delegate from Lebanon which was, however, lost by a vote of 8-1.
The proposal as passed is as follows:
"That the Chairman, Vice-Chairman and Rapporteur in
drawing up the preliminary draft International Bill of Human
Rights may consult any document or person deemed by them
of relevance to their work".
A rambling discussion followed on the 4th item. The Chairman said that in addition to the I.L.O., the F.A.0. and UNESCO, the International Refugee Organization
and International TeleCommunications Union would be brought into special relationship with the Economic and Social Council with the result that in the course of

time the list of specialized agencies having this consultative status would
be extended.
The representative of UNESCO made a series of observations on this point. He said that UNESCO was calling a conference of philosophers and experts very soon for the drafting of three conventions on human rights based on philosophical
and theoretical features in addition to another conference on the question of freedom of the press. He said that the first conference might be held in July or August, and he urged that some sort of timetable and link-up might be available
between the Human Rights Commission and UNESCO on this point. The Chairman said
she had already consulted Mr. Julian Huxley about this. It was felt by the members
of the Commission that the best thing would be for UNESCO to forward the proposed
conventions to the Human Rights Commission as and when they were ready.
With regard to the 5th item, that is, "Relations with Trusteeship Council",
it was noticed that on the Provisional Agenda of the next session of the

Economic
and Social Council there is an item calling for the coordination of the activities of the various committees of the United Nations organization; for example, Trustee-
ship Council with human Rights Commission, etc. It was agreed that no action be
taken upon this item of the agenda of the Commission which ought to await the re-
commendation of the Economic and Social Council.
No decision was taken with regard to the item on "Information from Non-Self-Governing Territories" for the reason that the Ad Hoc Committee created at the last
Assembly on this subject is expected to meet during the course of the current year.
Mrs. Roosevelt, however, drew attention to the point whether the Secretariat under
Article 73 should not be asked to analyze information on human rights in non-self-governing territories and transmit it to this Commission. The Australian delegate said that it would not be proper for Human Rights to ask in advance for reports from committees like Ad Hoc Committee on Non-Self-Governing Territories before

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they were submitted to the General Assembly, with the result that this item was passed over.
With regard to "Co-ordination with Other Commissions", the Chairman said that the U.S.A.Government might propose at the proper time that the draft bill of Human Rights as ultimately arrived at by the drafting group and the Human Rights
Commission, be circulated to other commissions interested in the question. Beyond
this, there was no necessity to take any specific action.
With respect to the program of future work, there was a rambling discussion Commission might be set up as
on the manner in which information groups in this

suggested by the Secretary General in a circular issued last year to all the member governments.

It was pointed out by the Australian delegate that more concrete information of the work of these groups in the various countries should be collected by the Secretary; Dr. Humphreys, the Secretary of the Commission, felt that a declaration might be made by the Human Rights Commission to the Security Council in order that it might give a proper directive.

The remaining two days, the 7th and 10th, we discussed the reports of the various sub-committees as well as the Rapporteur's report to be submitted to the Social and Economic Council.

It seems that no agreement had been reached in the sub-committee as to what countries should be represented on the sub-commissions on Freedom of Information and of the Press and on the Prevention of Discrimination and Protection of Minorities.

Mrs. Roosevelt on behalf of the U.S.A. had circulated proposals which she intended to move when we discussed the reports. In the original proposal, the procedure for the composition of the Sub-commission on Freedom of Information and of the Press suggested, was to name the governments while for the Commission on Prevention of Discrimination and Protection of Minorities nominations were to be made by the members of the Human Rights Commission from whom the Commission was to select

members in consultation with the Secretary General and with the consent of the respective governments. In each case the sub-committees reports laid down the same procedures for both the sub-commissions, that is, naming governments to be represented on them. Lists of countries to be represented were prepared by the

U.S.A. in case these reports were adopted and privately circulated. These lists showed that the U.S.A., the U.S.S.R. and the U.K. were included in both lists. France and China were alternately mentioned in each list. India had no place on the Sub-commission on Freedom of Information and of the Press while it was mentioned last on the list for the other commission. My feeling was that there was no chance of India being on both the sub-commissions. The Sub-commission on Prevention of Discrimination and Protection of Minorities was more important to us and we could be sure of a place if the same procedure of election was adopted as in the case of the other sub-commission, that is, naming the governments. Mrs. Roosevelt, however, changed her original draft and the proposal as actually made by her before the Commission was as follows:

"That each of the sub-commissions shall be composed of 11 persons selected by the Commission in consultation with the Secretary General and subject to the consent of the governments of the countries of which the persons are nationals. Not more than one person shall be selected from any single country.

"The choice should be made from among the list of persons submitted by such Human Rights Commission members as care to make nominations.

"In the case of the Sub-commission on Discrimination and Protection of Minorities, the members should be chosen by the Commission on Human Rights at its second session.

"In the case of the Sub-commission on Freedom of Information and of the Press, the choice should be made by the Economic and Social Council at its fourth session".

The delegate from the U.S.S.R. urged for the adoption of the reports of the sub-committee as against this proposal. If the members of the Commission who are representatives of their governments have to nominate, they cannot nominate without consulting their governments. Ultimately, therefore, the persons chosen will

be the nominess of their governments and, therefore, representing - though not technically their governments. Secondly, we were simply throwing the onus on the
Social and Economic Council to select the Sub-commission although it was within
our power to do so. I pointed this out to the Commission. In the end, however, the
following resolution was passed:
"The Commission, not having had the time to select the members in the sub-commissions, recommends that in the first instance the Economic and Social Council choose at the fourth session the members of the sub-commissions in consultation with the Secretary General and subject to the consent of the governments of the countries of which the persons are nationals. It further recommends that their choice be made from among the list of persons submitted by such Human Rights Commission members as care to make nominations, each member nominating not more than 12 persons from members of the United Nations."
The term of office of the members of the Sub-commission on Freedom of Information and of the Press was fixed at one year and for the other Sub-commission for two years.
The Rapporteur's report was also fully discussed and subject to some changes adopted.
The Commission as per rules of procedure fixed the place and time of their next meeting at Geneva on the 21st of July, subject, of course, to the approval of the Secretary General. It was also decided that the Drafting Committee of the Bill of Rights should report the progress of their work at regular intervals.
The report will show that we have only dealt with the preliminaries at this session. The real work of the Commission will begin at the next session when the
draft of the International Bill of Rights comes up for discussion. It is desirable that the Government of India consider from now as to what attitude they wish to take up with regard to the bill as to: (1) What form it should take; (2) What rights it should include; (3) Its application; and (4) Its implementation.
The question of implementation is very complicated and involves the problem of

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national sovereignity but since we have raised the issue of South Africa in
, the
General Assembly, it is for us to give the lead in this matter. I feel
that the Government should lose no time in communicating their suggestions to
the
Drafting Committee which is expected to submit its report by the end of June.
February 24, 1947.
Respectfully submitted,
Hansa Mehta,
Delegate to the United Nations
Human Rights Commission

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SPEECH BY MRS. HANSA MEHTA
BEFORE COMMISSION ON HUMAN RIGHTS
27 January 1947
Madam Chairman and Fellow Representatives of the Human Rights Commission:
Madam Chairman, may I take this opportunity of making a few general ob-
servations on the work of this commission. The government and the people of
India
attach the greatest possible importance to the Human Rights Commission. It is
not
merely because we brought up the question of race bias in South Africa and
obtained
the requisite 2/3 resolution thereon from the last session of the General
Assembly,
that we attach importance to the work of this commission.
It is because we feel
that the work of this commission will profoundly influence the future of the
United
Nations Organization itself, whose principles and purposes, as defined in the
pre-
amble of the charter and in Articles 1 (3), 13 (62) and 68 - to mention only a few,

impose mandatory obligations upon the member states.
It will be recalled that the attitude taken up by South Africa during the discussions on the race bias resolution was that there was not a violation of human rights in South Africa because there was no written definition of human rights as such within the ambit of the United Nations. A similar attitude was taken up by the spokesman of the British delegation when he said that the dispute pending between India and South Africa might be referred to the International Court. I do not wish to anticipate what this commission might do with reference to the items in the provisional agenda, but I would like to make this point clear, that the justification for the convening of this commission is that pleas of this character should not be allowed to be advanced within the forum of the United Nations Organization in the future.
If is not for me at this stage to anticipate whether this bill of human rights should be a multi-lateral convention or a mere declaration endorsed by the requisite majority of the states members of the United Nations, or, ultimately, an amendment
-1-

or amendments to the Charter itself. It is not also for me at this stage to express either general or qualified preference for the drafts of bills of human rights as submitted by Panama, Cuba, Chile or the A.F. of L. But it occurs to me that whatever might be the formal instrument to be hammered out by this Commission and its Drafting and other Sub-Commission, such a bill of human rights must be a simple forthright document, which is easily understood, with the assurance that there will be adequate machinery for its enforcement, whenever human rights are

violated
in countries which are members of the United Nations Organization.
At this stage I would like to offer a suggestion, which I dare say my colleagues will accept as necessary and valid. When we proceed to appoint the Drafting Committee
and the Sub-Commissions on Discrimination, Minorities, Freedom of Information and
the Press, etc., it must be clearly understood that the work of these bodies will be
so spaced out as to prevent confusion and obviate rush, and that my colleagues will
get an opportunity for reference back to the governments concerned on the various
and highly important intricate points. I do not think I will be exaggerating the position when I state that the issues at stake in the discussion of the Human Rights
Commission and its various proposed Sub-Commissions are of such paramount importance
to the weal of humanity, that there must be exhaustive examination of every recom-
mendation that these bodies are likely to make. We may even have to consult with
the Trusteeship Committee and other Committees of the United Nations General Assembly
before we can adequately complete our work. As I understand from the papers before
us, it would appear that this Commission may have to appoint forthwith or towards the
end of its deliberations, a Drafting Committee and three or four sub-commissions which
have to report back to us in a later session. As we complete our session we have to
report to the Economic and Social Council either with a draft bill of human rights or other document, which the Economic and Social Council must submit for inclusion in
the agenda of the Second Session of the General Assembly of the United Nations. It

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Occurs to me that not all of my colleagues on this commission can physically become members of either the drafting committee or the various sub-commissions to be
appointed by us, and that additional experts from the countries concerned will have
to be brought into the picture to man these commissions, etc. At every stage it will be found that a reference back to the governments of the countries concerned
becomes a vital point of procedure, and such reference involves consumption of time. I am sure my colleagues will agree with me that there should not be any attempt to rush through our work at a pace which might eventually prove to be very
costly indeed, for the Human Rights Commission will have to lay the foundation upon
which the edifice of the future organization of the United Nations will have to build.
There is one additional consideration which I would like to urge before my colleagues today. Taking our stand, as we do, under the protecting wing of the United Nations Charter, we in India have been assailed with a problem of exceptional
magnitude for reasons which are beyond our control. After the abolition of slavery
in 1832 by Britain and the abrogation of the Code Noir by France, large numbers of
Indians had been taken away from India, under the joint aegis of British and other
colonial governments concerned, and transplanted in various parts of the world. To-
day we have four million Indians residing abroad, as communities especially created
at the request and for the benefit of governments of the countries concerned. These
Indian communities are in British Guiana, Trinidad and Jamaica and Surinam (Dutch
Guiana) in the Caribbean. We have vast communities of Indians not only in

South
Africa, but also in the British colony of Kenya, the British protectorate in Uganda, in Tanganyika now under the United Nations' trusteeship, the British protectorate of
Zanzibar and the British colony of Mauritius, all coming within the group of countries within the system of the Arabian Sea.
There are two and one-half million
Indians in Burma, Ceylon and Malaya put together. Even in distant Fiji of the South Pacific system we have 100,000 Indians, which is becoming the majority community
in that group of islands. It will readily be seen that in almost all these countries
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where Indians are settled today, as the result of their transplantation, which I repeat was not at the behest of the people of India, during the past one hundred
years, and which constitute populations, created, I repeat again, for the benefit of the governments of the countries concerned, there have arisen numerous cases of denia
of the rights both in law and equality due to administrative practices.
Additional to this denial of rights, there are complicated questions like national-ity and citizenship and of dual nationality which have got to be straightened out with-
in the meaning of the terms of reference of the Human Rights Commission and of the
principles and purposes of the charter of the United Nations.
I am persuaded that
India is not alone in this especially exceptional position. Millions of nationals of China are scattered all over the world on a more or less similar basis, even though
the methods of recruitment and transplanting of these communities are not on all fours
with those in evidence with respect to Indian resident communities overseas. Even
for that matter there are hundred of thousands of Japanese people settled

abroad,
whether it be in Brazil or elsewhere in the world. Additional to these created com-
munities abroad, there are millions of people in all the continents, black, brown, yellow and even white, who are subject to legal and administrative diminution of rights,
questions which fall within the ambit of the work of the Human Rights Commission. I
am not formally raising any of these specific questions, which are only illustrations
of my thesis.
In all certainty, an effort must be made to define in precise legal and practical language, as to what a minority is, as to what discrimination is. Additional to this, a definition must be made forthwith as to what specific safeguards must be incorporated in the proposed bill of human rights against the danger of assimilation
of minority rules where they exist. In all certainty this commission, as well as its sub-commission, must proceed with the building up of a comprehensive list from
every country in the world, of legal and administrative measures which subtract from
the right of human beings within the meaning of the principles and purposes of the
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charter. The overriding consideration before this commission should be not merely the enunciation of principles in terms of a bill of human rights, but the improvisation of adequate machinery, whether it be through the establishment
of a world court of human rights, reference to the International Court, or action by the Security Council in the event of an alleged violation of human rights by any country. In fact, the proposed bill of human rights will be meaningless if a proper and unequivocal definition of the relationships which ought to subsist inter se
the individual, the community, the state and international organization, is

not attempted by this commission and eventually by the United Nations Organization.

Madam Chairman, I am grateful to you and my colleagues of this commission for giving me this opportunity for making a general statement, if only to demonstrate the measure of importance we in India attach to the work of this commission.

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STATEMENT BY MRS. HANSA MEHTA (INDIA) IN COMMISSION ON HUMAN RIGHTS - 29 January 1947

Madam Chairman:

India's interest in the freedom of information and of the press is the logical outcome of a long period of struggle to maintain this freedom within her own borders. The struggle of the press has, in fact, been closely associated with the political struggle for larger freedom. More than any other Asiatic country, more than many an European country, India has imposed the minimum of restriction, if any, in the operation of foreign correspondents and agencies within her borders, agencies which brought information to India from the world outside and agencies which carried information from India to the outside world. The ideal of freedom of access of the individual to information and opinions by all methods of communication is therefore one which we desire to see established in the international sphere even as we have struggled to safeguard it within our borders.

There are some reservations, however, both in the internal and the international field, which in the light of past experience, India has found it necessary to insist upon. It is important in the internal field, for example, that the freedom which a country extends to the press whould not become the monopoly of one or more groups and that such monopoly should not operate restrictively on the free expression of opinion by the individual and its wide dissemination. In other words, a powerful press group should not monopolize the freedom it enjoys vis a vis the government and deny it to the individual or to weaker competitors. The press must also recognize the obligation of preserving the integrity of the State and public order and morality.

In the international field, both in the matter of carrying news from India to other countries and bringing in news from other countries, into India, our experience has been, Madame Chairman, that this service has been rendered not

with the primary object of informing the people of India of activities abroad which would contribute materially to her own development, not with the object of promoting better understanding between the peoples of the world and the people of India, but with other motives I need not elaborate on here. It is enough to say that the effect of this service was to cut off all the countries which had for years past maintained the closest cultural relationship with India. I refer to China, the countries of East Asia, the Middle East and the Americas. Indians abroad who wished to maintain the closest contacts with developments in their country were denied all worthwhile information of progress in their country. Of America, we knew a great deal of gangsters in Chicago and film stars in Hollywood.

In the other direction, India was known as a land of mystery, fabulous splendour, elephants and snakes. It needed a world conflict of the magnitude of the last war to break down these barriers.

You will understand, therefore, Madam Chairman, our anxiety to safeguard the freedom of information against a repetition of this type of colorful news dissemination. We are willing and anxious to throw open all sources of information and all facilities to competing agencies, provided we are assured that those who will survive in the field will serve the object which we are gathered round this table to secure.

I would request your permission, Madame Chairman, at a later stage, to deal with points in detail as they may arise. Here I merely indicate our anxiety to insure that the decisions reached here do in fact secure the objective we have before us.

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